

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

THOMAS M. MCCARTHY,

Petitioner,

v.

THOMAS C. DORR, Under Secretary and
ED SCHAFER, Secretary,

Respondents.

ORDER

08-cv-381-bbc

This is a civil action in which petitioner, a resident of Chippewa Falls, Wisconsin, alleges that he was wrongfully terminated from his employment at the United States Department of Agriculture–Rural Development on or around June 13, 2006. Petitioner asks for leave to proceed without prepayment of fees and costs and has supported his request with an affidavit of indigency.

The standard for determining whether petitioner qualifies for indigent status is the following:

- From petitioner’s annual gross income, the court subtracts \$2820 for each dependent excluding the petitioner.

- If the balance is less than \$11,500, the petitioner may proceed without any prepayment of fees and costs.
- If the balance is greater than \$11,500 but less than \$15,000, the petitioner must prepay half the fees and costs.
- If the balance is greater than \$15,000, the petitioner must prepay all fees and costs.
- Substantial assets or debts require individual consideration.

From petitioner's affidavit of indigency, I find that he has an annual gross income of \$11,583. He has no dependents and no substantial debts. Because petitioner's income falls in the \$11,500 to \$15,000 range, he must prepay half the fees and costs. If petitioner wishes to proceed with this action, he will have to pay \$175, which is half of the \$350 filing fee.

ORDER

IT IS ORDERED that petitioner's request for leave to proceed without prepayment of fees and costs in this action is GRANTED IN PART.

Further, IT IS ORDERED that petitioner may have until July 29, 2008, in which to pay \$175 as prepayment of half the \$350 fee for filing his lawsuit. If, by July 29, 2008, petitioner fails to respond to this order, I will assume that he no longer wishes to prosecute this action and the clerk of court is directed to close this file without prejudice to petitioner's

filing his case at a later date.

Entered this 8th day of July, 2008.

BY THE COURT:

Barbara B. Crabb

BARBARA B. CRABB
District Judge